RESPONSE

This is a response to the Office Action dated June 28, 2006. The Examiner objected to paragraphs 21, 24, 25, 27, 35, 40 and the drawings. The Examiner rejected claims 51, 52, 54-71, 77-88 and 89-98 under 35 U.S.C. § 101 for non-statutory subject matter. Claims 51, 52, 54-71, 77-88 and 90-98 were rejected under U.S.C. § 112, second paragraph, as being indefinite. Claims 50-55, 69, 72, 73, 75-79, 82, 83, 89-91, 97 and 98 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pub 2003/0149938 ("McElfresh"). Claims 50, 51, 55-59, 61-63, 65-68, 74, 75-79, 82-85, 87 and 89-97 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub 2003/0046161 ("Kamangar"). Claims 86 and 88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamangar in view of the examiner's Official Notice. Claims 60 and 69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of McElfresh. Claims 64, 70 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamangar, in view of U.S. Pat. No. 6,714,975 ("Aggarwal"). Claims 71 and 81 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of Aggarwal and further in view of U.S. Pub. 2004/0186776 ("Llach").

The rejections and objections from the Office Action of June 28, 2006 are discussed below. No new matter has been added. Various claims have been amended for clarity and not for reasons related to patentability and claims 50, 56, 67, 69 and 89 have been canceled. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

I. OBJECTIONS TO THE SPECIFICATION

The Examiner has objected to several informalities in the Specification, specifically those in paragraphs 21, 24, 25, 27, 35 and 40. The Specification has been amended to correct all of the objections cited by the Examiner; thus the Applicants respectfully request withdrawal of these objections to the Specification.

II. OBJECTIONS TO THE DRAWINGS

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) for not including the following reference sign(s) mentioned in the description: 110A-C, 130A-C,

and 210. The Specification has been amended to remove these references, thus the Applicants respectfully request withdrawal of these objections to the Drawings.

III. OBJECTIONS TO THE CLAIMS

The examiner has objected to informalities in claims 50, 51, 69, 77-83, and 88-96. The claims have been amended to correct all of the informalities cited by the examiner, thus the Applicants respectfully request withdrawal of these objections to the claims.

IV. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner has rejected claims 51, 52, 54-71, 77-88 and 89-98 under 35 U.S.C. § 101 for non-statutory subject matter. The Examiner asserts that the claims are indefinite in regards to the "nominal value" and "effectiveness" of the web page components. Office Action of 06/28/06, pp. 12-13. Applicants believe the claims are in fact definite. In addition, Applicants have amended the independent claims 51, 77, and 90 to more clearly define the terms.

The Examiner asserts that "rather than trying to patent a concrete, objective method used to calculate a 'nominal value' of a web page component, Applicant is attempting to patent the abstract idea of arbitrarily selecting a 'nominal value' of a web page component and thereby usurp all possible formulas for calculating a 'value' of a web page component." Office Action of 06/28/06, p. 13. Applicants respectfully submit that there are no independent claims solely for selecting the nominal value of a web page component; thus Applicants are not attempting to patent the abstract idea of arbitrarily selecting a "nominal value" of a web page component.

The Examiner notes that "the Specification of the present invention fails to give a single example of any concrete, objective, mathematical formula used to calculate the 'nominal value' of a web page component." Office Action of 06/28/06, p. 12. Applicants respectfully submit that the Specification states, "one alternative is to express the nominal value in dollars per impression." Specification, ¶42. Applicants believe that dollars per impression or cost per impression is a widely known metric in the online advertising industry. Applicants respectfully submit that the cost per impression may vary based on the factors enumerated in the specification and later acknowledged by the Examiner's statement, "[t]he nominal value depends upon a

number of factors, such as: 1. financial impact, 2. relevancy, and 3. form." Office Action of 06/28/06, p. 12.

The Examiner asserts that "rather than trying to patent a concrete, objective method used to calculate an 'effectiveness' of a web page component, Applicant is attempting to patent the abstract idea of arbitrarily selecting an 'effectiveness' of a web page component and thereby usurp all possible formulas for calculating a 'value' of a web page component." Office Action of 06/28/06, p. 14. Applicants respectfully submit that there are no independent claims solely for selecting the effectiveness of a web page component; thus, Applicants are not attempting to patent the abstract idea of arbitrarily selecting an "effectiveness" of a web page component.

The Examiner states that "the Specification of the present invention fails to give a single example of any concrete, objective, mathematical formula used to calculate the 'effectiveness' of a web page component." Office Action Response of 06/28/06 p. 14. Applicants respectfully submit that in regards to clutter, an aspect of effectiveness, the Specification states, "simple mathematical models can be formulated, such as using the sum of the squares of the areas occupied by different components as a measure of the uncluttered ness." Specification, ¶47.

Accordingly, Applicants respectfully request that the withdrawal of this rejection of claims 51, 52, 54-55, 57-66, 68, 70-71, 77-88 and 90-98 in light of the amendments and the above remarks. Claims 56, 67, 69 and 89 have been canceled.

V. REJECTIONS UNDER 35 U.S.C. § 112

The Examiner has rejected claims 51, 52, 54-71, 77-88 and 90-98 under U.S.C. § 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Office Action of 06/28/06, p. 16. Applicants believe the claims are definite as discussed above. In addition, Applicants have amended the independent claims 51, 77, and 90. These amendments are purely for clarity and are unrelated to patentability. Claims 56, 67, 69 and 89 have been canceled. Accordingly, Applicants believe that the subject matter is distinctly claimed and request that the Examiner withdraw this rejection of claims 51, 52, 54-55, 57-66, 68, 70-71, 77-88 and 90-98.

VI. REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner has rejected claims 50-55, 69, 72, 73, 75-79, 82, 83, 89-91, 97 and 98 under 35 U.S.C. §102(e) as being anticipated by McElfresh. With this response, claims 50, 69 and 89 have been canceled and independent claims 51, 77, and 90 have been amended for clarity and not for reasons relating to patentability. Applicants respectfully submit that amended independent claims 51, 77, and 90, and all claims that depend thereon, are patentable over McElfresh because McElfresh fails to disclose all of the elements of amended independent claims 51, 77 and 90.

McElfresh relates to "a method and system for optimizing the placement of graphical objects ... on a page." McElfresh, ¶2. McElfresh teaches a system where "the website will request HTML code from the Rad Server 112 to place in the appropriate advertising blocks of the webpage." McElfresh, ¶50. McElfresh does not teach creating a default web page composition and then eliminating components from the default composition if they increase the actual value of the page as cited in the amended independent claims 51 and 77. The system in McElfresh appends HTML code to the web page; it does not disclose removing existing web page components.

McElfresh teaches a system where "[o]ptimization is achieved by calculating a click-through-percentage for a particular ad . . . [t]he click-through percentage is then used to group the ads, usually in descending order of calculated percentage, in the appropriate spots on a webpage." McElfresh, ¶11. McElfresh also states that "the Rad Server delivers a set of ads for display to the user which have been optimized for increased click-throughs, and/or increased revenue generation." McElfresh, ¶43. The system in McElfresh calculates individual values for each ad and then orders the ads in a specific fashion. Since the optimization of the display of the web components in McElfresh is order dependent, one can not calculate an actual page value by merely summing the individual values of the web page components, as doing so would yield the same total regardless of the order of the page components.

In addition, McElfresh does not teach a method for calculating an **actual** value of the entire page, used in optimizing the placement of the web page components. McElfresh is limited in that it does not teach any way to empirically determine if the value of the entire page, as a whole, has been improved. McElfresh teaches a way to calculate the value of individual

components on the page, not an **actual** value of the page as a whole. McElfresh, ¶42. McElfresh assumes that the ordering of individual ads optimizes the page value as a whole; however, McElfresh does not disclose the use of an empirical method for demonstrating that the value of the page as a whole has been optimized. McElfresh, ¶43. Conversely, the claims recite a method and system for selecting components for placement on the web page where the selecting is determined by the optimization of an **actual** page value of the web page. The "actual page value" is an actual value, which is a function of the **actual** values of the individual page components. It is through the optimization of this actual page value that the claims disclose selecting components for placement on the web page. McElfresh does not teach the use of a page value and does not select page components based on optimizing an actual page value.

For the above reasons, Applicants respectfully submit that independent claims 51, 77, and 90 are allowable. Likewise, all other claims dependent from allowable claims 51, 77 and 90 are also allowable.

The Examiner has rejected claims 50, 51, 55-59, 61-63, 65-68, 74, 75-79, 82-85, 87 and 89-97 under 35 U.S.C. 102(e) as being anticipated by Kamangar. With this response, claims 50, 56, 67, 69 and 89 have been canceled and claims 51, 77, and 90 have been amended. Applicants respectfully submit that claims 51, 55, 57-59, 61-63, 65, 68, 74, 75-79, 82-85, 87 and 90-97 are patentable over Kamangar because Kamangar fails to disclose all of the elements of these claims.

The elements of claim 69, which are not disclosed by Kamangar, have been added to independent claims 51 and 77 and claim 69 has been canceled. Thus, Applicants submit that these amended independent claims are allowable, over Kamangar. Likewise all other claims dependent from allowable claims 51 and 77 are also allowable.

Kamangar relates to ordering ads in "a manner that maximizes both their relevance and their economic values . . . based on both accepted ad price information and ad performance information." Kamangar, ¶12. Kamangar teaches a system that focuses on individual values of web page components and ordering those values. Kamangar, ¶43. Kamangar does not teach selecting components for placement on the web page based on the optimization of an **actual** value of the page as a whole. Since the optimization of the display of the page components in Kamangar is order dependent, an actual page value can not be determined by calculating a sum

of the individual page component values, as doing so would yield the same actual page value regardless of the order of the page components.

Kamangar does not teach a method for calculating an **actual** value of the entire page used in optimizing the placement of the web page components . Kamangar is limited in that it does not teach any way to empirically determine if the page value has been improved. Kamangar merely teaches a method to calculate the value of individual components on the page, not an **actual** value of the page as a whole. Kamangar, ¶43. Kamangar assumes that this method optimizes the page value as a whole; however, Kamangar does not teach the use of an empirical method for demonstrating that the value of the page as a whole has been optimized. Kamangar, ¶12.

The claims recite a method and system for selecting components for placement on the web page where the selecting is determined by the optimization of an **actual** page value of the web page. The "actual page value" is a real value that is a function of a respective value of each page component. It is through the optimization of this actual page value that the claims disclose selecting components for placement on the web page. Kamangar does not teach the use of any such page value and does not select page components based on optimizing an actual page value.

For the above reasons, Applicants respectfully submit that amended independent claims 51, 77, and 90 are allowable. Likewise, all other claims dependent from allowable claims 51, 77 and 90 are also allowable.

VII. REJECTIONS UNDER 35 U.S.C. § 103(a)

Dependent claims 86 and 88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamangar in view of the Examiner's Official Notices. The Examiner's Official Notices do not disclose the limitations of independent claim 77 as discussed above. Accordingly Applicants submit that dependent claims 86 and 88 are allowable based on the reasons discussed above for the independent claims from which they depend.

Dependent claims 60 and 69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of McElfresh. Claim 69 has been incorporated into independent claim 51 and has been canceled. As stated above, neither McElfresh nor Kamangar teach creating a default web page composition and then eliminating components from the default arrangement if

they will increase the overall actual value of the page as cited in amended independent claim 51. Applicants submit claims 60 is allowable because the combination of McElfresh and Kamangar fails to disclose all of the elements of independent claim 51 as discussed above.

Dependent claims 64, 70, and 80 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of Aggarwal. As stated above, Kamangar does not disclose a method for selecting page components based on the optimization of an actual page value, as claimed. Aggarwal relates to "a method for dynamically assigning advertisements to web pages according to self-learned user information." Aggarwal, Col. 1, ll. 12-13. Aggarwal does not teach a method for selecting page components based on the optimization of an actual page value, as claimed in the independent claims. Applicants submit that claims 64, 70, and 80 are allowable over Kamangar, in view of Aggarwal, because the combination of the references does not disclose a method for selecting page components based on the optimization of an actual page value, as claimed.

Dependent claims 71 and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of Aggarwal, and further in view of Llach. Neither Kamangar nor Aggarwal disclose a method for selecting page components based on the optimization of an actual page value as recited in the claims. Llach relates to "a system and method for generating and selecting targeted advertising using price metrics." Llach, ¶2. Llach discloses selecting a candidate advertisement "based on a price metric." Llach ¶27. Llach does not disclose a method for selecting page components based on the optimization of an actual page value, as recited in the independent claims. Applicants submit claims 71 and 81 are allowable because the combination of Kamangar, Aggarwal and Llach fails to disclose all of the elements of the independent claims from which they depend.

CONCLUSION

Each of the rejections in the Office Action dated June 28, 2006 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

September 28, 2006
Date

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